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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,178	08/03/2001	Peter C. Jones	06502.0062-02	2575
22852	7590	01/30/2004		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			EXAMINER COULTER, KENNETH R	
			ART UNIT	PAPER NUMBER
			2141	18

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,178

Applicant(s)

JONES ET AL.

Examiner

Kenneth R Coulter

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29 and 36-38 is/are allowed.
- 6) ☒ Claim(s) 21-26, 30-35 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21 – 26, 30 – 35, and 39 – 42 are rejected under 35 U.S.C. 102(e) as being disclosed by Heimsoth et al. (Object-Oriented Communication Interface for Network Protocol Access Using the Selected Newly Created Protocol Interface Object and Newly Created Protocol Layer Objects in the Protocol Stack).

- 2.1 Regarding claim 21, Heimsoth discloses a data processing system having an RPC mechanism used by a program, a method for transmitting objects comprising:

receiving an object in a form of a stream from a remote RPC mechanism (Fig. 9D; col. 29, lines 41 – 46; col. 31, lines 5 – 18); and

deferring reconstruction of the object until requested to perform reconstruction by the program (Fig. 9D; col. 29, lines 41 – 46; col. 31, lines 5 – 18).

2.2 Per claim 22, Heimsoth teaches reconstructing the object using code identified in the stream, when requested to perform reconstruction by the program (Fig. 9D; col. 29, lines 41 – 46; col. 31, lines 5 - 18).

2.3 Regarding claim 25, Heimsoth discloses a method in a data processing system for transmitting an object from a first RPC mechanism to a second RPC mechanism, comprising:

forming a stream out of the object by the first RPC mechanism (Fig. 9D; col. 29, lines 41 – 46; col. 31, lines 5 - 18);

sending the stream from the first RPC mechanism to the second RPC mechanism (Fig. 9D; col. 29, lines 41 – 46; col. 31, lines 5 - 18);

deferring reconstruction of the object by the first RPC mechanism until the stream is returned from the second RPC mechanism to the first RPC mechanism in response to the occurrence of an event (Fig. 9D; col. 29, lines 41 – 46; col. 31, lines 5 - 18).

2.4 Per claims 23, 24, 26, 30 – 35, and 39 – 42, the rejection of claims 21, 22, and 25 under 35 USC 102(e) (paragraphs 2.1 – 2.3 above) applies fully.

Response to Arguments

3. Applicant's arguments filed 9/5/03 have been fully considered but they are not persuasive.

Applicant states that "Heimsoth does not teach or suggest deferring the reconstruction of an object received in the form of a stream from an RPC mechanisms as recited in claim 21."

Examiner disagrees.

Claim 21 is indistinguishable from conventional systems since the claimed deferring process does not express a reason for deferring or a timetable for deferring.

Claim 21 merely states that reconstruction of the object is deferred until a program requests the reconstruction.

Allowable Subject Matter

4. Claims 27 – 29 and 36 – 38 are allowed.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharja can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-9700.

KENNETH R. COULTER
PRIMARY EXAMINER


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